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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,996	09/09/2004	Kenneth A. Swanstrom	92	8904

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/506,996	Applicant(s) SWANSTROM ET AL.	
	Examiner Alfred Joseph Wujciak III	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/9/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for the serial number 10/506,996, SHEET METAL CABLE HOOK, filed on 9/9/04.

Claims 6-16 have been renumbered to 5-15 to comply rule 37 CFR 1.126.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "wire bundle" and "insert" have both been used to designate 40. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because "means" is not permitted in the abstract. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On page 7, line 3, "wiring-bundle 40" is indefinite because the number 40 has been used for "insert".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the word "means" is preceded by the word(s) "attachment" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim 5 recites the limitation "fastener" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "fastener" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "insert" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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Claims 2-15 are rejected as depending on rejected claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent # 6,561,471 to Hawie.

Hawie teaches a hook having self-clinching attachment means (22-23) comprising a rectangular base (13) including panel attachment means (18) located on opposing front and rear side surface. The hook includes a hook portion (13) extending upwardly from the base including upper (13B) and lower (13C) jaws forming a substantially circular C-shaped hook with a frontal opening (19) of substantially less than 180 degrees measured from an axis of the hook. The opening is located between spaced ends of the jaws. The hook includes a single laterally extending notch (30) on the inside surface of the upper jaw proximate the frontal opening. The jaws have a continuous arcuate inside surface except for the notch. The base includes orientation marks (16) on the bottom planar surface thereof proximate the front side. The panel attachment means are deformer undercut groove (16). The hook includes an insert (33) on the inside surface of the jaws. The insert includes pivotable flap (21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawie in view of US Patent # 4,897,952 to Hawie.

Hawie teaches the catch (21) but fails to teach the device includes a spring-biased catch that covers the frontal opening. Furthermore, Hawie teaches the catch having two opposing ears but fails to teach the ears engage the cooperating recesses on opposite sides of the lower jaw. Hawie' 952 teaches the device with spring biased catch (72) and catch with two opposing ears (62, figure 6) that engage the cooperating recesses on opposite sides of the lower jaw. It would have been obvious for one of ordinary skill in the art at the time the invention was made added the spring-biased to Hawie's catch and opposing ears engaging the cooperating recesses on the lower jaw as taught by Hawie'952 to provide assistance for inserting the catch into the notch to close the opening of the device.

Allowable Subject Matter

Claims 11-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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The prior art fails to teach the insert includes a tail portion, which is free to slide against the inside surface of the lower jaw to provide a spring force to close the catch.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 6,338,463 to Babitz et al.

US Patent # 6,450,558 to Ringrose

US Patent # 6,126,119 to Giangrasso

US Patent # 5,332,250 to Thorwall et al.

US Patent # 4,039,220 to Stoops

US Patent # 5,305,978 to Current

US Patent # 5,873,550 to Phillips

US Patent # 5,873,522 to Roberts

US Patent # 2004/0203501 to Johnson et al.

US Patent # 5,577,787 to Klope

Klope, Johnson et al., Roberts, Phillips, Current, Stoops, Thorwall et al., Giangrasso, Ringrose and Babitz et al. teach hook/clamp having two jaws.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read 'A. J. Wujciak III', with a stylized flourish at the end.

11/14/05